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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,993	04/02/2004	Gary W. Brondt	44948	7270
1609	7590	07/26/2006	EXAMINER	
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.			DZIERZYNSKI, EVAN P	
1300 19TH STREET, N.W.			ART UNIT	
SUITE 600			PAPER NUMBER	
WASHINGTON,, DC 20036			2875	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,993

Applicant(s)

BRONDT ET AL.

Examiner

Evan Dzierzynski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 27-29 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-11,14-21,23,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 5,13 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

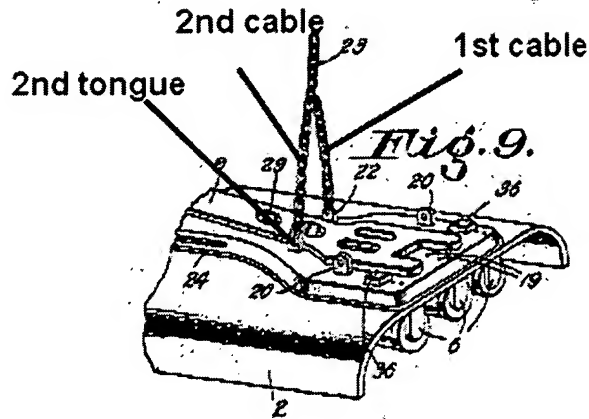
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kilduff et al. (US Pat 2413505).

With respect to claims 1 and 3 Kilduff et al. teaches a lighting fixture (fig 9), comprising a housing 1 supporting a first lamp 6 including a wall 21 and an opening opposite the wall (Fig 11). Kilduff also teaches a first suspension cable 23 coupled with a housing. The cable includes opposite first and second ends (shown in Fig 1, not numbered) the first end of the suspension cable having a first loop (loop connecting to 22). Kilduff also teaches a first tongue 22 that is formed integrally therewith in the wall of the housing (Fig 11) that engages the loop of the cable (Fig 9), and a second tongue formed in the wall that has a second suspension cable that has a loop that engages the second tongue (as indicated below).



As for claim 4, Kilduff shows that the wall of the housing includes opposing ends (Fig 9) and the first tongue is disposed adjacent to one of the ends.

As for claim 7, Kilduff further teaches the housing supporting a plurality of fluorescent lamps 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilduff in view of McAlpin (US Pub 2003/0058640).

As for claim 6, Kilduff et al. teaches the lighting fixture as discussed above, but fails to teach a housing including first and second end caps engaging opposing ends of a wall of the housing. McAlpin teaches a housing fig 1 that includes first and second

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end caps 1, 2 engaging opposing ends of a wall of the housing. It would have been obvious for one of ordinary skill in the art to combine the end caps of McAlpin with the lighting device of Kilduff in order to provide a cover that protects the sides of the lighting apparatus.

As for claim 8, Kilduff teaches the lighting fixture as discussed above, but fails to teach a wall of the housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing. McAlpin teaches a wall of a housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing (paragraph 0017). It would have been obvious for one of ordinary skill in the art to combine the slots of McAlpin with the lighting fixture of Kilduff in order to allow light to shine through the opening of the slot and to allow airflow into the device to cool the light sources.

Claims 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilduff et al. in view of Florence (US Pat 3591798).

Kilduff teaches the lighting fixture as discussed above, but fails to teach a first parabolic reflector that is coupled within the elongated housing, aligned with the first lamp, including a plurality of baffles. Florence teaches a first parabolic reflector that is coupled with the housing 45 aligned with the first lamp for directing light in a direction through the opening of the housing. Florence also teaches the parabolic reflector having a plurality of baffles extending towards the opening of the housing 26. It would have been obvious for one of ordinary skill in the art to combine features of Florence

with the device of Kilduff et al. in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more evenly by using baffles.

As for claim 10, Kilduff teaches the device of claim 9 as discussed above. Florence teaches a second parabolic reflector that is coupled with the housing adjacent to the first parabolic reflector 41, and a second lamp is supported in the housing and aligned with the second parabolic reflector 15. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Kilduff in order to reflect more light out of the apparatus by using an additional parabolic reflector.

As for claim 11, Kilduff et al. teaches a lighting fixture comprising an elongated housing 1 supporting first and second lamps (6, Fig 1) including a wall 21 and an opening opposite of the wall (Fig 11); the wall includes opposing ends (as seen in Fig 1) and first and second suspension cables (23, as indicated above) coupled with the housing, each of the first and second suspension cables including opposite first and second end (shown in Fig 1, not numbered), and the second ends of the suspension cables are adapted to engage a support to suspend the housing 1 from the support 22. Kilduff et al. also teaches first and second tongues (22, Fig 9) formed integrally therewith, and each of the first ends of the suspension cables having a loop engaging the first and second tongues of the wall of the housing (Fig 9). Kilduff et al. fails to teach first and second reflectors for directing light from the first and second lamps through the opening. Florence teaches first and second reflectors directing light from the two lamps through the opening 41, 45. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the reflectors of Florence

with the lighting apparatus of Kilduff et al. in order to provide more of a lighting array by reflecting more light out of the device.

As for claim 15, Kilduff teaches the lighting fixture as discussed above. Florence teaches first and second parabolic reflectors that are coupled within the elongated housing and aligned with the first and second lamps, respectively, for directing light in a direction through the opening of the housing, and each of the parabolic reflectors including a plurality of baffles extending towards the opening of the housing 41, 45. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Kilduff in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more efficiently by using baffles.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kilduff et al. and Florence as applied to claim 11 above, and further in view of McAlpin (US 2003/0058640).

Kilduff teaches the lighting fixture as discussed above, but fails to teach a wall of the housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing. McAlpin teaches a wall of a housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing (section 0017). It would have been obvious for one of ordinary skill in the art to combine the slots of McAlpin with the lighting fixture of Kilduff in order to allow light to shine through the opening of the slot and to allow airflow into the device to cool the light sources.

Claims 20, 21, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ambasz (US Pat 4613930) in view of Kilduff et al.

As for claims 20 and 23, Ambasz discloses a method of suspending a lighting fixture from a support, including a housing 32 supporting at least one lamp 50, first and second end caps (14a, 14b), a support cable that is attached between the end plates and the main part of the housing. Figure 1 of Ambasz suggests that the first end of the suspension cable is inserted between the housing of the fixture and the end caps in order to suspend the device. The method of looping the end of the suspension cable around a suspension member formed in the wall of the housing is inherent in the structure of the loop shown by Ambasz in 46, 48. Ambasz also teaches that the second end of the suspension cable opposite of the light fixture is suspended from a support (Col 3, lines 5-6). Ambasz does not specify that the member is formed integrally therewith. Kilduff et al. teaches a tongue member 22 that is integrally formed within the wall of a housing 21. It would have been obvious for one of ordinary skill in the art to combine the integrally formed tongue of Kilduff with the device of Ambasz in order to reduce the number of parts and to provide a sturdier supporting member.

As for claim 21, in figure 1, Ambasz shows that the suspension cable is inserted between the wall of the housing of the lighting fixture and looped the suspension cable around another suspension cable formed integrally therewith in the wall of the housing, as shown in figure 1. The second suspension cable end opposite of the first end suspends the lighting fixture from the support, since the light is a since light fixture.

As for claim 26, Ambasz teaches the method as discussed above. Ambasz fails to teach the order of coupling the suspension cables, but it would have been obvious to connect the suspension cable to the support before attaching it to the device in order to gauge the desired elevation of the lighting device in comparison to the support.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ambasz and Kilduff et al. as applied to claim 20 above, and further in view of Florence.

As for claim 25, Ambasz teaches the method as discussed above, but fails to teach a parabolic reflector and a plurality of baffles. Florence teaches a first parabolic reflector that is coupled with the housing 45 aligned with the lamp for directing light in a direction through the opening of the housing. Florence also teaches the parabolic reflector having a plurality of baffles extending towards the opening of the housing 26. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Ambasz in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more efficiently by using baffles.

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 5, 13, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As for claims 5, 13, and 24, the prior art fails to teach or disclose a light fixture with an end cap engaged with an end of a wall that has a tab spaced from and covering a portion of a tongue.

Claims 16-19 are allowed. The reasons for allowance are indicated in the Office action of 2/7/2006.

Claims 27-29 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fail to teach or disclose a light fixture with a housing supporting a first lamp with a wall with first and second slots with a first tong located therebetween, the tongue with a free distal end, and a suspension cable with a first loop slideable receivable in the first and second slots and on the first ting of the wall.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Dzierzynski whose telephone number is (571)-272-2336. The examiner can normally be reached on Monday through Friday 7:00 am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on M-F (571)-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Evan Dzierzynski

7/18/2006



RENEE LUEBKE
PRIMARY EXAMINER